

House File 722 - Introduced

HOUSE FILE _____
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 136)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulation of certain conservation and
2 recreation activities under the jurisdiction of the department
3 of natural resources, modifying fees, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2094HV 83
7 av/sc/8

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1 1 Section 1. Section 321G.2, subsection 1, paragraph e, Code
1 2 2009, is amended to read as follows:
1 3 e. Establishment of a program of grants, subgrants, and
1 4 contracts to be administered by the department for the
1 5 development and delivery of certified courses of instruction
~~1 6 for the safe use and operation of snowmobiles, maintenance,~~
~~1 7 and operation of designated snowmobile trails and grooming~~
~~1 8 equipment~~ by political subdivisions and incorporated private
1 9 organizations.

1 10 Sec. 2. Section 321G.2, subsection 1, Code 2009, is
1 11 amended by adding the following new paragraphs:
1 12 NEW PARAGRAPH. i. Establishment of a certified education
1 13 course for the operation of snowmobile grooming equipment.
1 14 NEW PARAGRAPH. j. Establishment of a certified education
1 15 course for the safe use and operation of snowmobiles.
1 16 NEW PARAGRAPH. k. Certification of volunteer snowmobile
1 17 education instructors.

1 18 Sec. 3. Section 321G.11, subsection 1, Code 2009, is
1 19 amended by striking the subsection and inserting in lieu
1 20 thereof the following:

1 21 1. The exhaust of every internal combustion engine used in
1 22 any snowmobile shall be effectively muffled by equipment
1 23 constructed and used to muffle all snowmobile noise in a
1 24 reasonable manner in accordance with rules adopted by the
1 25 commission.

1 26 Sec. 4. Section 321G.21, subsection 9, Code 2009, is
1 27 amended to read as follows:

1 28 9. The ~~department commission~~ may adopt rules consistent
1 29 with this chapter establishing minimum requirements for
1 30 dealers. In adopting such rules, the ~~department commission~~
1 31 shall consider the need to protect persons, property, and the
1 32 environment and to promote uniformity of practices relating to
1 33 the sale and use of snowmobiles. The commission may also
~~1 34 adopt rules providing for the suspension or revocation of a~~
~~1 35 dealer's special registration certificate issued pursuant to~~
~~2 1 this section.~~

2 2 Sec. 5. Section 321G.24, subsection 3, Code 2009, is
2 3 amended to read as follows:

2 4 3. Any person who is required to have a safety certificate
2 5 under this chapter and who has completed a course of
2 6 instruction established under section 321G.2, subsection 1,
2 7 paragraph ~~"e"~~ "j", including the successful passage of an
2 8 examination which includes a written test relating to such
2 9 course of instruction, shall be considered qualified to ~~apply~~
~~2 10 for receive~~ a safety certificate. ~~The commission may waive~~
~~2 11 the requirement of completing such course of instruction if~~
~~2 12 such person successfully passes a written test based on such~~
~~2 13 course of instruction.~~

2 14 Sec. 6. Section 321I.1, subsection 1, paragraph c, Code
2 15 2009, is amended by striking the paragraph.

2 16 Sec. 7. Section 321I.1, subsection 16, Code 2009, is
2 17 amended to read as follows:

2 18 16. a. "Off=road utility vehicle" means a motorized
2 19 flotation=tire vehicle with not less than four and not more
2 20 than ~~six~~ eight low=pressure tires that is limited in engine
2 21 displacement to less than one thousand five hundred cubic
2 22 centimeters and in total dry weight to not more than one
2 23 thousand eight hundred pounds and that has a seat that is of
2 24 bucket or bench design, not intended to be straddled by the
2 25 operator, and a steering wheel or control levers for control.

2 26 b. An owner of an off=road utility vehicle may register or
2 27 title an off=road utility vehicle in order to legally operate
2 28 the off=road vehicle on public ice, a designated riding area,
2 29 or a designated riding trail. The operator of an off=road
2 30 utility vehicle is subject to provisions governing the
2 31 operation of all=terrain vehicles in section 321.234A and this
2 32 chapter, but is exempt from the safety instruction and
2 33 certification program requirements of sections 321I.25 and
2 34 321I.26. An operator of an off=road utility vehicle shall not
2 35 operate the vehicle on a designated riding area or designated
3 1 riding trail unless the department has posted signage
3 2 indicating the riding area or trail is open to the operation
3 3 of off=road utility vehicles. Off=road utility vehicles are
3 4 exempt from the dealer registration and titling requirements
3 5 of this chapter. A motorized vehicle that was previously
3 6 titled or is currently titled under chapter 321 shall not be
3 7 registered or operated as an off=road utility vehicle.

3 8 Sec. 8. Section 321I.2, subsection 1, paragraph e, Code
3 9 2009, is amended to read as follows:

3 10 e. Establishment of a program of grants, subgrants, and
3 11 contracts to be administered by the department for the
3 12 development and delivery of certified courses of instruction
3 13 for the safe use and operation of all=terrain vehicles,
3 14 maintenance, and operation of designated all=terrain vehicle
3 15 riding areas and trails by political subdivisions and
3 16 incorporated private organizations.

3 17 Sec. 9. Section 321I.2, subsection 1, paragraph i, Code
3 18 2009, is amended by striking the paragraph and inserting in
3 19 lieu thereof the following:

3 20 i. Establishment of a certified education course for the
3 21 safe use and operation of all=terrain vehicles.

3 22 Sec. 10. Section 321I.2, subsection 1, Code 2009, is
3 23 amended by adding the following new paragraph:

3 24 NEW PARAGRAPH. j. Certification of volunteer all=terrain
3 25 vehicle education instructors.

3 26 Sec. 11. Section 321I.22, subsection 9, Code 2009, is
3 27 amended to read as follows:

3 28 9. The department commission may adopt rules consistent
3 29 with this chapter establishing minimum requirements for
3 30 dealers. In adopting such rules, the department shall
3 31 consider the need to protect persons, property, and the
3 32 environment and to promote uniformity of practices relating to
3 33 the sale and use of all=terrain vehicles. The commission may
3 34 also adopt rules providing for the suspension or revocation of
3 35 a dealer's special registration certificate issued pursuant to
4 1 this section.

4 2 Sec. 12. Section 321I.26, subsection 3, Code 2009, is
4 3 amended to read as follows:

4 4 3. Any person who is required to have a safety certificate
4 5 under this chapter and who has completed a course of
4 6 instruction established under section 321I.2, subsection 1,
4 7 paragraph ~~"e"~~ "i", including the successful passage of an
4 8 examination which includes either a written test relating to
4 9 such course of instruction or the demonstration of adequate
4 10 riding skills, shall be considered qualified to apply for
4 11 receive a safety certificate. The commission may waive the
4 12 requirement of completing such course of instruction if such
4 13 person successfully passes a written test based on such course
4 14 of instruction.

4 15 Sec. 13. Section 452A.17, subsection 1, paragraph a,
4 16 subparagraph (7), Code 2009, is amended to read as follows:
4 17 (7) A bona fide commercial fisher, licensed and operating
4 18 under an owner's certificate for commercial ~~fishing~~ gear
4 19 issued pursuant to section 482.4.

4 20 Sec. 14. Section 481A.122, Code 2009, is amended by adding
4 21 the following new subsection:

4 22 NEW SUBSECTION. 3. This section is not applicable to a
4 23 person who is legally hunting with a raptor.

4 24 Sec. 15. Section 481A.130, subsection 1, paragraphs d and
4 25 e, Code 2009, are amended to read as follows:

4 26 d. For each ~~fish,~~ reptile, mussel, or amphibian, fifteen

4 27 dollars.

4 28 e. For each beaver, bobcat, mink, otter, red fox, gray
4 29 fox, or raccoon, two hundred dollars.

4 30 Sec. 16. Section 481A.130, subsection 1, Code 2009, is
4 31 amended by adding the following new paragraph:

4 32 NEW PARAGRAPH. i. For each fish, reimbursement shall be
4 33 as follows:

4 34 (1) For each fish of a species other than shovelnose
4 35 sturgeon, with an established daily limit greater than
5 1 twenty-five, fifteen dollars.

5 2 (2) For each fish of a species other than paddlefish and
5 3 muskellunge, with an established daily limit of twenty-five or
5 4 less, fifty dollars.

5 5 (3) For each shovelnose sturgeon, paddlefish, and
5 6 muskellunge, one thousand dollars.

5 7 Sec. 17. Section 481A.130, Code 2009, is amended by adding
5 8 the following new subsection:

5 9 NEW SUBSECTION. 4. This section does not apply to a
5 10 person who is liable to pay restitution to the department
5 11 pursuant to section 481A.151 for injury to a wild animal
5 12 caused by polluting a water of this state in violation of
5 13 state law.

5 14 Sec. 18. Section 482.1, Code 2009, is amended to read as
5 15 follows:

5 16 482.1 AUTHORITY OF THE COMMISSION.

5 17 1. The natural resource commission shall observe,
5 18 administer, and enforce this chapter. The natural resource
5 19 commission may adopt and enforce rules under chapter 17A as
5 20 necessary to carry out this chapter.

5 21 2. The natural resource commission may:

5 22 ~~1-~~ a. Remove or cause to be removed from the waters of
5 23 the state any aquatic species that in the judgment of the
5 24 commission is an underused renewable resource or has a
5 25 detrimental effect on other aquatic populations. All proceeds
5 26 from a sale of these aquatic organisms shall be credited to
5 27 the state fish and game protection fund.

5 28 ~~2-~~ b. Issue to any person a permit or license authorizing
5 29 that person to take, possess, and sell underused, undesirable,
5 30 or injurious aquatic organisms from the waters of the state.
5 31 The person receiving a permit or license shall comply with the
5 32 applicable provisions of this chapter.

5 33 ~~3-~~ c. Authorize the director to enter into written
5 34 contracts for the removal of underused, undesirable, or
5 35 injurious organisms from the waters of the state. The
6 1 contracts shall specify all terms and conditions desired.
6 2 Sections 482.4, 482.6, and 482.14 do not apply to these
6 3 contracts.

6 4 ~~4-~~ d. Prohibit, restrict, or regulate commercial fishing,
6 5 ~~and commercial turtle fishing, and commercial mussel fishing~~
6 6 ~~harvesting~~ in any waters of the state.

6 7 ~~5-~~ e. Revoke the license of a licensee ~~and the licensee's~~
~~designated operators~~ for up to one year if the licensee ~~or any~~
~~designated operator~~ has been convicted of a violation of
6 10 chapter 481A, 482, or 483A. A licensee shall not continue
6 11 commercial fishing while a license issued by the natural
6 12 resource commission or issued by another state is under
6 13 revocation or suspension.

6 14 ~~6-~~ f. Regulate the numbers of commercial fishers, ~~and~~
6 15 ~~commercial turtle fishers, and commercial mussel fishers~~
6 16 harvesters and the amount, type, seasonal use, mesh size,
6 17 construction and design, manner of use, and other criteria
6 18 relating to the use of commercial gear for any body of water
6 19 or part thereof.

6 20 ~~7-~~ g. Establish catch quotas, seasons, size limits, and
6 21 other regulations for any species of commercial fish, ~~or~~
6 22 ~~turtles, or mussels~~ for any body of water or part thereof.

6 23 ~~8-~~ h. Designate by listing species as commercial fish, ~~or~~
6 24 ~~turtles, or mussels.~~

6 25 ~~9-~~ i. Designate any body of water or its part as
6 26 protected habitat and restrict, prohibit, or otherwise
6 27 regulate the taking of commercial fish, ~~and~~ turtles, ~~and~~
6 28 ~~mussels~~ in protected habitat areas.

6 29 3. Employees of the ~~commission~~ department may lift and
6 30 inspect any commercial gear at any time ~~when being used~~ and
6 31 may inspect commercial catches, commercial markets, and
6 32 landings, and examine catch sale and purchase records of
6 33 commercial fishers, commercial turtle fishers harvesters, and
6 34 commercial ~~mussel fishers~~ roe harvesters, commercial turtle
6 35 buyers, and commercial roe buyers upon demand.

7 1 4. ~~Officers~~ Employees of the ~~commission~~ department may
7 2 seize and retain as evidence any illegal fish, ~~or~~ turtles, ~~or~~

~~7 3 mussels, or any illegal commercial gear, or any other personal~~
7 4 property used in violation of any provision of the Code, and
7 5 may confiscate any untagged or illegal commercial gear as
7 6 contraband.

7 7 Sec. 19. Section 482.2, Code 2009, is amended to read as
7 8 follows:

7 9 482.2 DEFINITIONS.

7 10 As used in this chapter, unless the context otherwise
7 11 requires:

7 12 1. "Boundary waters" means the waters of the Mississippi,
7 13 Missouri, and Big Sioux rivers.

~~7 14 2. "Commercial fish helper" means a person who is licensed~~
~~7 15 by the state to assist a commercial fisher or a commercial roe~~
~~7 16 harvester in operating commercial gear or in taking,~~
~~7 17 attempting to take, possessing, or transporting commercial~~
~~7 18 fish, roe species, roe, or turtles.~~

~~7 19 2. 3. "Commercial fisher" means a person who is licensed~~
~~7 20 by the state to take and sell fish from waters of the state,~~
~~7 21 attempt to take, possess, transport, sell, barter, or trade~~
~~7 22 turtles or turtle eggs, commercial fish except roe species, or~~
~~7 23 fish parts except roe.~~

~~7 24 3. 4. "Commercial fishing" means taking, attempting to~~
~~7 25 take, possessing, or transporting of commercial fish or~~
~~7 26 turtles for the purpose of selling, bartering, exchanging~~
~~7 27 trading, offering, or exposing for sale.~~

~~7 28 4. 5. "Commercial gear" means the capturing equipment~~
~~7 29 used by commercial fishers, commercial roe harvesters, and~~
~~7 30 commercial turtle fishers, and commercial mussel fishers~~
~~7 31 harvesters.~~

~~7 32 5. "Commercial mussel fisher" means a person who is~~
~~7 33 licensed to take and sell freshwater mussels from waters of~~
~~7 34 the state. A resident commercial mussel license holder must~~
~~7 35 have resided in this state for one year preceding the person's~~
~~8 1 application for a commercial mussel fishing license.~~

~~8 2 6. "Commercial mussel fishing" means taking, attempting to~~
~~8 3 take, or transporting of freshwater mussels for the purpose of~~
~~8 4 selling, bartering, exchanging, offering, or exposing for~~
~~8 5 sale.~~

~~8 6 6. "Commercial roe buyer" means a person who is licensed~~
~~8 7 by the state to engage in the business of buying, selling,~~
~~8 8 bartering, or trading of roe and roe species.~~

~~8 9 7. "Commercial roe harvester" means a person who is~~
~~8 10 licensed by the state to engage in the harvest and sale,~~
~~8 11 barter, or trade of roe and roe species.~~

~~8 12 7. 8. "Commercial species" means species of fish, and~~
~~8 13 turtles, and freshwater mussels which may be lawfully taken~~
~~8 14 and sold by commercial fishers, commercial roe harvesters, and~~
~~8 15 commercial turtle fishers harvesters, and commercial mussel~~
~~8 16 fishers, as established by rule by the commission.~~

~~8 17 9. "Commercial turtle buyer" means a person who is~~
~~8 18 licensed by the state to engage in the business of buying,~~
~~8 19 selling, bartering, or trading commercial turtles or turtle~~
~~8 20 eggs.~~

~~8 21 9. 10. "Commercial turtle fishing" harvesting" means~~
~~8 22 taking, attempting to take, possessing, or transporting of~~
~~8 23 commercial turtles or turtle eggs for the purpose of selling,~~
~~8 24 bartering, exchanging trading, offering, or exposing for sale.~~

~~8 25 8. 11. "Commercial turtle fisher" harvester" means a~~
~~8 26 person who is licensed by the state to take, attempt to take,~~
~~8 27 possess, transport, and sell, barter, or trade commercial~~
~~8 28 turtles from the waters of the state or turtle eggs.~~

~~8 29 12. "Commercial turtle helper" means a person who is~~
~~8 30 licensed by the state to assist a commercial turtle harvester~~
~~8 31 in operating commercial gear, or in taking, attempting to~~
~~8 32 take, possessing, or transporting commercial turtles or turtle~~
~~8 33 eggs.~~

~~8 34 10. 13. "Constant attendance" means the presence of a~~
~~8 35 commercial fisher or a designated operator whenever commercial~~
9 1 gear is in use.

9 2 11. 14. "Director" means the director of the department
9 3 of natural resources, and the director's duly authorized
9 4 assistants, deputies, or agents.

9 5 12. 15. "Game fish" means all species and size categories
9 6 of fish not included as "commercial species" or minnows.

9 7 13. 16. "Inland waters of the state" means all public
9 8 waters of the state excluding the boundary waters of the
9 9 Mississippi, Big Sioux, and Missouri rivers.

9 10 14. 17. "Licensed commercial gear" means any commercial
9 11 gear that is licensed as provided in this chapter and that,
9 12 when in use, has ~~attached~~ the proper tags attached as provided
9 13 by this chapter.

9 14 ~~15- 18.~~ "Nonresident or alien" means a person who does
9 15 not qualify as a resident of the state of Iowa either because
9 16 of a bona fide residence in another state or because of
9 17 citizenship of a country other than the United States.
9 18 However, "alien" does not include a person who has applied for
9 19 naturalization papers as defined in section 483A.1A.

9 20 ~~16- 19.~~ "Resident" means a person who is legally subject
9 21 to motor vehicle registration and driver's license laws of
9 22 this state, or who is qualified to vote in an election of this
9 23 state as defined in section 483A.1A.

9 24 ~~20.~~ "Roe" means fish eggs.

9 25 ~~21.~~ "Roe species" means fish harvested for their eggs.
9 26 Roe species include but are not limited to shovelnose sturgeon
9 27 and bowfin and any other fish defined as roe species by the
9 28 commission by rule.

9 29 ~~17- 22.~~ "Waters of the state" means all of the waters
9 30 under the jurisdiction of the state.

9 31 Sec. 20. Section 482.4, Code 2009, is amended to read as
9 32 follows:

9 33 482.4 COMMERCIAL LICENSES AND GEAR TAGS.

9 34 1. A person shall not use or operate commercial gear
9 35 unless at least one individual is at the site where the
10 1 commercial gear is being operated who possesses an appropriate
10 2 valid commercial license, or a designated operator's license.
10 3 A commercial license is valid from the date of issue to
10 4 January 10 of the succeeding calendar year.

10 5 2. A commercial fisher may designate a person as a
10 6 designated operator to lift and to fish with any licensed
10 7 commercial fishing gear owned by the commercial fisher. A
10 8 commercial fisher shall not have more than five designated
10 9 operators. A designated operator's license shall be assigned
10 10 to not more than three operators during a year and a
10 11 designated operator's license shall be valid for use only by
10 12 an operator who possesses the license and has signed the
10 13 license. The signature of any preceding designated operator
10 14 who possessed the license shall be crossed out. A designated
10 15 operator shall not lift or fish any commercial fishing gear
10 16 without possessing a designated operator's license which is
10 17 signed by the operator. A designated operator's license which
10 18 is not signed by the operator in possession of the license is
10 19 forfeited to the state.

10 20 3. A boundary water annual sport trotline license permits
10 21 the licensee to use a maximum of four trotlines with two
10 22 hundred hooks in the aggregate. All boundary water sport
10 23 trotlines shall be tagged with the name and address of the
10 24 licensee on a metal tag affixed above the waterline.

10 25 2. A commercial roe harvester shall possess a valid
10 26 commercial fishing license and a valid commercial roe
10 27 harvester license.

10 28 ~~4- 3.~~ Commercial fishers and commercial turtle fishers
10 29 harvesters shall purchase gear tags from the commission to be
10 30 affixed to each piece of gear in use. Notwithstanding the fee
10 31 rates for gear tags of under subsection 7 6, the minimum fee
10 32 for a gear tag is five dollars. All tags are valid for ten
10 33 years from the date of issue. In addition to the gear tags,
10 34 all gear shall be tagged with a metal weather-resistant tag
10 35 showing the name and address of the licensee and whether the
11 1 gear is fish or turtle gear.

11 2 ~~5- 4.~~ All numbered fish gear tags are interchangeable
11 3 among the different types of commercial fishing gear.

11 4 ~~6- 5.~~ Annual license fees are as follows:

11 5	a. Commercial fishing fisher, resident	\$ 200.00
11 6	b. Commercial fishing fisher, nonresident	\$ 400.00
11 7	c. Designated operator Commercial fish	
11 8	helper, resident	\$ 50.00
11 9	d. Designated operator Commercial fish	
11 10	helper, nonresident	\$ 100.00
11 11	e. Commercial roe buyer, resident	\$ 250.00
11 12	f. Commercial roe buyer, nonresident	\$ 500.00
11 13	g. Commercial roe harvester, resident	\$ 100.00
11 14	h. Commercial roe harvester, nonresident	\$3,500.00
11 15	i. Commercial turtle buyer, resident	\$ 200.00
11 16	j. Commercial turtle buyer, nonresident	\$ 400.00
11 17	e- k. Commercial turtle harvester, resident	\$ 50.00
11 18		100.00
11 19	f- l. Commercial turtle harvester, nonresident .	\$ 100.00
11 20		400.00
11 21	g- m. Commercial mussel fisher turtle helper,	
11 22	resident	\$ 100.00
11 23		50.00
11 24	h- n. Commercial mussel buyer, resident	\$1,000.00

11 25	<u>turtle helper, nonresident</u>	100.00
11 26	i. Commercial mussel buyer, nonresident	5,000.00
11 27	j. Boundary water sport trotline, resident	10.00
11 28	k. Boundary water sport trotline, nonresident	20.00
11 29	l. Commercial mussel fisher, nonresident	2,500.00
11 30	m. Commercial mussel helper, resident	50.00
11 31	n. Commercial mussel helper, nonresident	200.00

11 32 ~~7- 6.~~ Commercial fish gear tags are required on the
 11 33 following units of commercial fishing gear at the listed fee:

11 34	a. Seine, resident, one gear tag for each	
11 35	100 feet or fraction thereof	\$ 1.00
12 1	b. Seine, nonresident, one gear tag for	
12 2	each 100 feet or fraction thereof	\$ 2.00
12 3	c. Trammel net, resident, one gear tag	
12 4	for each 100 feet or fraction thereof	\$ 1.00
12 5	d. Trammel net, nonresident, one gear	
12 6	tag for each 100 feet or fraction thereof	\$ 2.00
12 7	e. Gill net, resident, one gear tag for	
12 8	each 100 feet or fraction thereof	\$ 1.00
12 9	f. Gill net, nonresident, one gear tag	
12 10	for each 100 feet or fraction thereof	\$ 2.00
12 11	g. Entrapment nets, resident, one	
12 12	gear tag per net	\$ 1.00
12 13	h. Entrapment nets, nonresident, one	
12 14	gear tag per net	\$ 2.00
12 15	i. Commercial trotline, resident, one	
12 16	gear tag for each 50 hooks or less	\$ 1.00
12 17	j. Commercial trotline, nonresident,	
12 18	one gear tag for each 50 hooks or less	\$ 2.00

12 19 ~~8- 7.~~ Turtle trap gear tags are not interchangeable with
 12 20 other commercial gear. Turtle trap gear tag fees are as
 12 21 follows:

12 22	a. Commercial turtle trap, resident,	
12 23	one gear tag per trap	\$ 1.00
12 24	b. Commercial turtle trap, nonresident,	
12 25	one gear tag per trap	\$ 2.00

12 26 Sec. 21. Section 482.5, Code 2009, is amended to read as
 12 27 follows:

12 28 482.5 COMMERCIAL GEAR.

12 29 It is lawful for a person who is legally licensed to
 12 30 harvest commercial fish or commercial turtles to use ~~the~~
 12 31 ~~commercial fishing~~ gear of a design, construction, size,
 12 32 ~~season,~~ and all other criteria established by the commission
 12 33 for taking those species of fish and turtles designated by the
 12 34 commission by rule.

12 35 Sec. 22. Section 482.7, Code 2009, is amended to read as
 13 1 follows:

13 2 482.7 GEAR ATTENDANCE.

13 3 ~~1. The A commercial fisher, commercial turtle harvester,~~
 13 4 ~~or commercial roe harvester licensee or a designated operator~~
 13 5 ~~must be present when lifting commercial gear is operated. A~~
 13 6 ~~commercial fish helper or commercial turtle helper shall not~~
 13 7 ~~operate commercial gear except under the direct supervision of~~
 13 8 ~~a commercial fisher, commercial turtle harvester, or~~
 13 9 ~~commercial roe harvester. A nonresident commercial turtle~~
 13 10 ~~helper is licensed only to assist a licensed nonresident~~
 13 11 ~~commercial turtle harvester. Commercial gear shall be lifted~~
 13 12 ~~and emptied of catch as provided by the rules of the~~
 13 13 ~~commission. Constant attendance by the licensee or a~~
 13 14 ~~designated operator commercial fisher of seines, trammel nets,~~
 13 15 ~~and gill nets is required when the gear is fished by driving,~~
 13 16 ~~drive-seining, seining, floating, or drifting methods.~~
 13 17 ~~Officers of the commission shall may grant a reasonable~~
 13 18 ~~extension of gear attendance intervals in cases of inclement~~
 13 19 ~~weather or unsafe conditions only upon the request of a~~
 13 20 ~~commercial fisher, commercial turtle harvester, or commercial~~
 13 21 ~~roe harvester specifying why such an extension is necessary.~~

13 22 ~~2. For the purposes of this section, "direct supervision"~~
 13 23 ~~means that a commercial fisher, commercial turtle harvester,~~
 13 24 ~~or commercial roe harvester must be in the same boat, within~~
 13 25 ~~hand-signal distance, or within vocal communication distance,~~
 13 26 ~~without the help of any electronic or amplifying device, of~~
 13 27 ~~the commercial fish helper or commercial turtle helper being~~
 13 28 ~~supervised.~~

13 29 Sec. 23. Section 482.8, subsection 1, Code 2009, is
 13 30 amended to read as follows:

13 31 1. It is lawful for licensed commercial fishers,
 13 32 ~~designated operators, commercial turtle fishers, and licensed~~
 13 33 ~~sport trotline fishers harvesters, and commercial roe~~
 13 34 ~~harvesters~~ to pursue, take, possess, and transport any
 13 35 commercial fish or their parts, bait fish, turtles, frogs,

14 1 salamanders, leeches, crayfish, or any other aquatic
14 2 invertebrates for bait unless otherwise prohibited by law.
14 3 Sec. 24. Section 482.9, subsections 4 and 7, Code 2009,
14 4 are amended to read as follows:

14 5 4. For a person to lift or to fish licensed commercial
14 6 gear of another person, except by the licensee ~~and the~~
14 7 ~~licensee's designated operators.~~

14 8 7. To block or inhibit navigation through channels with
14 9 commercial fishing gear unless a minimum of three feet of
14 10 water depth is maintained over float lines of any entanglement
14 11 gear or leads to trap nets. Gear shall not block over
14 12 one-half the width of a navigable channel if there is less
14 13 than three feet of water over the gear.

14 14 Sec. 25. Section 482.10, Code 2009, is amended to read as
14 15 follows:

14 16 482.10 ~~SALE OF COMMERCIAL FISH LICENSES.~~

14 17 1. ~~A person possessing a~~ All persons who commercially
14 18 ~~take, attempt to take, possess, transport, sell, barter,~~
14 19 ~~trade, or buy commercial fish or their parts shall possess an~~
14 20 ~~appropriate, valid commercial fishing license or designated~~
14 21 ~~operator's license may possess and sell any commercial fish,~~
14 22 ~~turtles, or freshwater mussels, or their parts, which have~~
14 23 ~~been lawfully taken. This subsection does not apply to an~~
14 24 ~~individual who buys commercial fish or their parts from a~~
14 25 ~~commercial fisher for personal consumption.~~

14 26 a. A commercial fisher license is required to operate
14 27 commercial gear and to take, attempt to take, possess,
14 28 process, transport, or sell any commercial fish, commercial
14 29 turtles, or turtle eggs.

14 30 b. A commercial fish helper license is required to assist
14 31 a commercial fisher or commercial roe harvester in operating
14 32 commercial gear and in taking, attempting to take, possessing,
14 33 or transporting commercial fish, roe species, roe, commercial
14 34 turtles, or turtle eggs. A commercial fish helper is not
14 35 permitted to buy, sell, barter, or trade commercial fish, roe

15 1 species, roe, commercial turtles, or turtle eggs. A
15 2 commercial fish helper license is not required for a person
15 3 under sixteen years of age to assist a commercial fisher as
15 4 provided in this paragraph "b".

15 5 c. A commercial roe harvester license is required to
15 6 harvest, possess, transport, or sell roe or roe species or
15 7 their parts. A commercial roe harvester is not permitted to
15 8 buy, barter, or trade roe or roe species unless in possession
15 9 of a valid roe buyer license. A commercial roe harvester
15 10 shall sell roe or roe species only to a commercial roe buyer
15 11 licensed in this state.

15 12 d. A commercial roe buyer license is required to buy,
15 13 barter, or trade roe or roe species for resale.

15 14 2. All intrastate and interstate shipments of commercial
15 15 fish, or turtles, or roe or roe species, must be accompanied
15 16 by a label receipt which shows the name and address of the
15 17 seller and the kinds, date of sale, and the species, numbers,
15 18 and pounds of the catches fish, roe species, roe, turtles, or
15 19 turtle eggs being sold. Individuals purchasing fish, turtles,
15 20 or mussels from a commercial fisher, turtle fisher, or mussel
15 21 fisher need not possess a license.

15 22 Sec. 26. Section 482.11, subsections 1 and 3, Code 2009,
15 23 are amended to read as follows:

15 24 1. ~~A person shall not~~ All persons who commercially take,
15 25 attempt to take, possess, transport, or sell turtles from the
15 26 waters of the state without or turtle eggs shall possess an
15 27 appropriate, valid commercial license. This subsection does
15 28 not apply to an individual who buys turtles or turtle eggs
15 29 from a commercial fisher or a commercial turtle harvester for
15 30 personal consumption.

15 31 a. A valid sport fishing license entitles a person
15 32 commercial turtle harvester license is required to operate
15 33 commercial gear and to take and, attempt to take, possess a
15 34 maximum of one hundred pounds of live turtles or fifty pounds
15 35 of dressed turtles, transport, sell, barter, or trade
16 1 commercial turtles or turtle eggs. The sale of live or
16 2 dressed turtles is not permitted with a sport fishing license.
16 3 Nonresident commercial turtle harvesters shall harvest
16 4 commercial turtles only from the boundary waters.

16 5 b. A commercial turtle helper license is required to take
16 6 and possess more than one hundred pounds of live or fifty
16 7 pounds of dressed turtles. The holder of assist a commercial
16 8 turtle license may sell live or dressed turtles harvester in
16 9 operating commercial gear, and in taking, attempting to take,
16 10 possessing, or transporting commercial turtles or turtle eggs.
16 11 A commercial turtle helper is not permitted to buy, sell,

~~16 12 barter, or trade commercial turtles or turtle eggs. A
16 13 commercial turtle helper license is not required for a person
16 14 under sixteen years of age to assist a commercial turtle
16 15 harvester as provided in this paragraph "b".~~

~~16 16 c. A commercial turtle buyer license is required to engage
16 17 in the business of buying, bartering, or trading commercial
16 18 turtles or turtle eggs.~~

~~16 19 e- d. A commercial fishing fisher license or a designated
16 20 operator's license entitles commercial fishers to operate any
16 21 licensed commercial fishing gear for taking, possessing, or
16 22 selling and to take, attempt to take, possess, and sell,
16 23 barter, or trade turtles or turtle eggs taken with such
16 24 commercial gear.~~

~~16 25 d. An individual possessing a valid commercial turtle
16 26 license may have the assistance of one unlicensed individual
16 27 in the commercial taking of turtles.~~

~~16 28 3. The method of taking turtles shall only be by hand,
16 29 turtle hook, turtle trap, licensed commercial fishing gear, or
16 30 other means designated by commission rules. Sport fishers may
16 31 also use hook-and-line in catching turtles.~~

~~16 32 Sec. 27. Section 482.11, subsections 3 and 4, Code 2009,
16 33 are amended by striking the subsections.~~

~~16 34 Sec. 28. Section 482.14, Code 2009, is amended to read as
16 35 follows:~~

~~17 1 482.14 REPORTS AND RECORDS REQUIRED == INSPECTIONS.~~

~~17 2 1. All commercial fishers, commercial turtle fishers
17 3 harvesters, commercial turtle buyers, commercial mussel
17 4 fishers roe harvesters, and commercial mussel roe buyers shall
17 5 submit a monthly report supplying all information requested on
17 6 forms furnished by the commission department. Reports must be
17 7 received by the commission department no later than the
17 8 fifteenth day of the following month.~~

~~17 9 2. Commercial fishers shall utilize a dated receipt with
17 10 at least two parts, with one original and one copy of each
17 11 receipt, that contains the species, number, and pounds of fish
17 12 or turtles sold, bartered, or traded. Commercial fishers
17 13 shall retain a copy of each receipt for five years following
17 14 the transaction. A purchaser of commercial fish or turtles
17 15 shall retain a copy of the receipt for as long as the
17 16 purchaser is in possession of the fish or turtles.~~

~~17 17 3. Commercial turtle harvesters shall utilize a dated
17 18 receipt with at least two parts, with one original and one
17 19 copy of each receipt, that contains the species, number, and
17 20 pounds of turtles sold, bartered, or traded. Commercial
17 21 turtle harvesters shall retain a copy of each receipt for five
17 22 years following the transaction. A purchaser of commercial
17 23 turtles shall retain a copy of the receipt for as long as the
17 24 purchaser is in possession of the turtles.~~

~~17 25 4. Commercial turtle buyers shall maintain accurate
17 26 records of all transactions. The records shall contain the
17 27 date, number, weight, and species of turtles purchased, the
17 28 name and address of the seller, and the county or pools where
17 29 the turtles were taken. The records shall be updated monthly.
17 30 Such records shall be available for examination by employees
17 31 of the department upon request. A commercial turtle buyer
17 32 shall only purchase turtles from a licensed commercial fisher
17 33 or commercial turtle harvester.~~

~~17 34 5. Commercial roe buyers shall utilize a receipt with at
17 35 least two parts, with one original and at least one copy of
18 1 each receipt, for each purchase of commercial roe species and
18 2 roe. The original of the receipt shall be kept by the
18 3 commercial roe buyer and a copy of the receipt shall be given
18 4 to the commercial roe harvester selling the commercial roe
18 5 species or roe. Commercial roe buyers and commercial roe
18 6 harvesters shall retain such receipts for five years following
18 7 the date of the transaction.~~

~~18 8 6. Facilities and records of commercial fish buyers,
18 9 commercial turtle buyers, commercial roe harvesters, and
18 10 commercial roe buyers shall be open at all reasonable times
18 11 for inspection by any conservation officer.~~

~~18 12 Sec. 29. Section 483A.1, subsection 1, Code 2009, is
18 13 amended by adding the following new paragraph:~~

~~18 14 NEW PARAGRAPH. u. Boundary waters sport
18 15 trotline license, annual \$ 20.50~~

~~18 16 Sec. 30. Section 483A.1, subsection 2, Code 2009, is
18 17 amended by adding the following new paragraphs:~~

~~18 18 NEW PARAGRAPH. ee. Preference point issued
18 19 under section 483A.7, subsection 3, paragraph
18 20 "b", or section 483A.8, subsection 3, paragraph "e" . \$ 50.00~~

~~18 21 NEW PARAGRAPH. w. Boundary waters sport
18 22 trotline license, annual \$ 40.50~~

18 23 Sec. 31. Section 483A.1A, Code 2009, is amended by adding
18 24 the following new subsections:

18 25 NEW SUBSECTION. 0A. "Boundary waters" means the waters of
18 26 the Mississippi, Missouri, and Big Sioux rivers.

18 27 NEW SUBSECTION. 6A. "Nonresident" means a person who is
18 28 not a resident as defined in subsection 7.

18 29 NEW SUBSECTION. 6B. "Principal and primary residence or
18 30 domicile" means the one and only place where a person has a
18 31 true, fixed, and permanent home, and to where, whenever the
18 32 person is briefly and temporarily absent, the person intends
18 33 to return. Relevant factors in determining a person's
18 34 principal and primary residence or domicile include but are
18 35 not limited to proof of place of employment, mailing address,
19 1 utility records, land ownership records, vehicle registration,
19 2 and address listed on the person's state and federal income
19 3 tax returns. A person shall submit documentation to establish
19 4 the person's principal and primary residence or domicile to
19 5 the department or its designee upon request. The department
19 6 or its designee shall keep confidential any document received
19 7 pursuant to such a request if the document is required to be
19 8 kept confidential by state or federal law.

19 9 Sec. 32. Section 483A.1A, subsection 7, Code 2009, is
19 10 amended to read as follows:

19 11 7. "Resident" means a natural person who meets any of the
19 12 following criteria during each year in which the person claims
19 13 status as a resident:

19 14 a. ~~Has physically resided in this state at least thirty as~~
19 15 ~~the person's principal and primary residence or domicile for a~~
19 16 ~~period of not less than ninety consecutive days immediately~~
19 17 ~~before applying for or purchasing a resident license, tag, or~~
19 18 ~~permit under this chapter and has been issued an Iowa driver's~~
19 19 ~~license or an Iowa nonoperator's identification card. A~~
19 20 ~~person is not considered a resident under this paragraph if~~
19 21 ~~the person is residing in the state only for a special or~~
19 22 ~~temporary purpose including but not limited to engaging in~~
19 23 ~~hunting, fishing, or trapping.~~

19 24 b. Is a full-time student at either of the following:

19 25 (1) ~~an~~ An accredited educational institution located in
19 26 this state and resides in this state while attending the
19 27 educational institution.

19 28 (2) An accredited educational institution located outside
19 29 of this state, if the person is under the age of twenty-five
19 30 and has at least one parent or legal guardian who maintains a
19 31 principal and primary residence or domicile in this state.

19 32 c. ~~A~~ Is a student who qualifies as a resident pursuant to
19 33 ~~this~~ paragraph "b" only for the purpose of purchasing any
19 34 resident license specified in section 483A.1 or 484A.2.

19 35 ~~e.~~ d. Is a nonresident under eighteen years of age whose
20 1 parent is a resident of this state.

20 2 ~~d.~~ e. Is a member of the armed forces of the United
20 3 States who is serving on active duty, claims residency in this
20 4 state, and has filed a state individual income tax return as a
20 5 resident pursuant to chapter 422, division II, for the
20 6 preceding tax year, or is stationed in this state.

20 7 ~~e.~~ Is registered to vote in this state.

20 8 Sec. 33. Section 483A.2, Code 2009, is amended to read as
20 9 follows:

20 10 483A.2 DUAL RESIDENCY.

20 11 A resident license shall be limited to persons who do not
20 12 claim any resident privileges, except as defined in section
20 13 483A.1A, subsection 7, paragraphs "b", "c", ~~and "d", and "e",~~
20 14 in another state or country. A person shall not purchase or
20 15 apply for any resident license or permit if that person has
20 16 claimed residency in any other state or country.

20 17 Sec. 34. Section 483A.7, subsection 3, Code 2009, is
20 18 amended to read as follows:

20 19 3. a. A nonresident wild turkey hunter is required to
20 20 have a nonresident hunting license and a nonresident wild
20 21 turkey hunting license and pay the wildlife habitat fee. The
20 22 commission shall annually limit to two thousand three hundred
20 23 licenses the number of nonresidents allowed to have wild
20 24 turkey hunting licenses. Of the two thousand three hundred
20 25 licenses, one hundred fifty licenses shall be valid for
20 26 hunting with muzzle loading shotguns only. The commission
20 27 shall allocate the nonresident wild turkey hunting licenses
20 28 issued among the zones based on the populations of wild
20 29 turkey. A nonresident applying for a wild turkey hunting
20 30 license must exhibit proof of having successfully completed a
20 31 hunter safety and ethics education program as provided in
20 32 section 483A.27 or its equivalent as determined by the
20 33 department before the license is issued.

20 34 b. The commission shall assign one preference point to a
20 35 nonresident whose application for a nonresident wild turkey
21 1 hunting license is denied due to limitations on the number of
21 2 nonresident wild turkey hunting licenses available for
21 3 issuance that year. An additional preference point shall be
21 4 assigned to that person each subsequent year the person's
21 5 license application is denied for that reason. A nonresident
21 6 may purchase additional preference points pursuant to section
21 7 483A.1, subsection 2, paragraph "ee". The first nonresident
21 8 wild turkey hunting license drawing each year shall be made
21 9 from the pool of applicants with the most preference points
21 10 and continue to pools of applicants with successively fewer
21 11 preference points until all available nonresident wild turkey
21 12 hunting licenses have been issued. If a nonresident applicant
21 13 receives a wild turkey hunting license, all of the applicant's
21 14 assigned preference points at that time shall be removed.

21 15 Sec. 35. Section 483A.8, subsections 3, 4, and 5, Code
21 16 2009, are amended to read as follows:

21 17 3. a. A nonresident hunting deer is required to have a
21 18 nonresident hunting license and a nonresident deer hunting
21 19 license and must pay the wildlife habitat fee. In addition, a
21 20 nonresident who purchases a deer hunting license shall pay a
21 21 one dollar fee that shall be used and is appropriated for the
21 22 purpose of deer herd population management, including
21 23 assisting with the cost of processing deer donated to the help
21 24 us stop hunger program administered by the commission.

21 25 b. A nonresident who purchases an antlered or any sex deer
21 26 hunting license pursuant to section 483A.1, subsection 2,
21 27 paragraph "e", is required to purchase an antlerless deer only
21 28 deer hunting license at the same time, pursuant to section
21 29 483A.1, subsection 2, paragraph "f".

21 30 c. The commission shall annually limit to six thousand the
21 31 number of nonresidents allowed to have antlered or any sex
21 32 deer hunting licenses. Of the six thousand nonresident
21 33 antlered or any sex deer hunting licenses issued, not more
21 34 than thirty-five percent of the licenses shall be bow season
21 35 licenses. After the six thousand antlered or any sex
22 1 nonresident deer hunting licenses have been issued, all
22 2 additional licenses shall be issued for antlerless deer only.
22 3 The commission shall annually determine the number of
22 4 nonresident antlerless deer only deer hunting licenses that
22 5 will be available for issuance.

22 6 d. The commission shall allocate all nonresident deer
22 7 hunting licenses issued among the zones ~~based on the~~
22 8 ~~populations of deer using a county-by-county system.~~ However,
22 9 a nonresident applicant may request one or more hunting zones,
22 10 in order of preference, in which the applicant wishes to hunt.
22 11 If the request cannot be fulfilled, the applicable fees shall
22 12 be returned to the applicant. A nonresident applying for a
22 13 deer hunting license must exhibit proof of having successfully
22 14 completed a hunter safety and ethics education program as
22 15 provided in section 483A.27 or its equivalent as determined by
22 16 the department before the license is issued.

22 17 e. The commission shall assign one preference point to a
22 18 nonresident whose application for a nonresident antlered or
22 19 any sex deer hunting license is denied due to limitations on
22 20 the number of nonresident antlered or any sex deer hunting
22 21 licenses available for issuance that year. An additional
22 22 preference point shall be assigned to that person each
22 23 subsequent year the person's license application is denied for
22 24 that reason. A nonresident may purchase additional preference
22 25 points pursuant to section 483A.1, subsection 2, paragraph
22 26 "f". The first nonresident antlered or any sex deer hunting
22 27 license drawing each year shall be made from the pool of
22 28 applicants with the most preference points and continue to
22 29 pools of applicants with successively fewer preference points
22 30 until all available nonresident antlered or any sex deer
22 31 hunting licenses have been issued. If a nonresident applicant
22 32 receives an antlered or any sex deer hunting license, all of
22 33 the applicant's assigned preference points at that time shall
22 34 be removed.

22 35 4. The commission may provide, by rule, for the issuance
23 1 of an additional antlerless deer hunting license to a person
23 2 who has been issued an antlerless deer hunting license. The
23 3 rules shall specify the number of additional antlerless deer
23 4 hunting licenses which may be issued, and the season and zone
23 5 in which the license is valid. The fee for an additional
23 6 antlerless deer hunting license shall be ten dollars for
23 7 residents.

23 8 5. A nonresident owning land in this state may apply for a
23 9 nonresident antlered or any sex deer hunting license, and the

23 10 provisions of subsection 3 shall apply. However, if a
23 11 nonresident owning land in this state is unsuccessful in
23 12 obtaining one of the nonresident antlered or any sex deer
23 13 hunting licenses, the landowner shall be given preference for
23 14 one of the antlerless deer only nonresident deer hunting
23 15 licenses available pursuant to subsection 3. A nonresident
23 16 owning land in this state shall pay the fee for a nonresident
23 17 antlerless only deer hunting license and the license shall be
23 18 valid to hunt on the nonresident's land only. If one or more
23 19 parcels of land have multiple nonresident owners, only one of
23 20 the nonresident owners is eligible for a nonresident
23 21 antlerless only deer hunting license. If a nonresident
23 22 jointly owns land in this state with a resident, the
23 23 nonresident shall not be given preference for a nonresident
23 24 antlerless only deer hunting license. The department may
23 25 require proof of land ownership from a nonresident landowner
23 26 applying for a nonresident antlerless only deer hunting
23 27 license.

23 28 Sec. 36. Section 483A.8A, Code 2009, is amended to read as
23 29 follows:

23 30 483A.8A DEER AND WILD TURKEY HARVEST REPORTING SYSTEM.

23 31 1. The commission shall provide, by rule, for the
23 32 establishment of a deer and wild turkey harvest reporting
23 33 system for the purpose of collecting information from ~~deer~~
23 34 hunters concerning the deer and wild turkey population in this
23 35 state. Each person who is issued a deer or wild turkey
24 1 hunting license in this state shall report such information
24 2 pursuant to this section. Information collected by the
24 3 commission pursuant to the deer and wild turkey harvest
24 4 reporting system from a ~~deer~~ hunter who takes a deer or wild
24 5 turkey shall be limited to the following:

- 24 6 a. The county where the deer or wild turkey was taken.
- 24 7 b. The season during which the deer or wild turkey was
24 8 taken.
- 24 9 c. The sex of the deer or wild turkey taken.
- 24 10 d. The age of the deer or wild turkey taken.
- 24 11 e. The type of weapon used.
- 24 12 f. The hunting license number of the hunter.
- 24 13 g. The number of days the hunter hunted.
- 24 14 h. The total number of deer or wild turkey taken by the
24 15 hunter.

24 16 2. The deer and wild turkey harvest reporting system
24 17 established by the commission shall utilize and is limited to
24 18 utilizing one or more of the following methods of reporting
24 19 deer or wild turkey taken by hunters:

- 24 20 a. A toll-free telephone number.
- 24 21 b. A postcard.
- 24 22 c. Reporting at an electronic licensing location.
- 24 23 d. Electronic internet communication.

24 24 Sec. 37. Section 483A.10, Code 2009, is amended to read as
24 25 follows:

24 26 483A.10 ISSUANCE OF LICENSES.

24 27 1. The licenses and combination packages of licenses
24 28 issued pursuant to this chapter shall be issued by the
24 29 department or the license agents as specified by rules of the
24 30 commission. A county recorder may issue licenses or
24 31 combination packages of licenses subject to the rules of the
24 32 commission.

24 33 2. The rules shall include the application procedures as
24 34 necessary. The licenses and combination packages of licenses
24 35 shall show the total cost of the license or combination
25 1 package of licenses, including a writing fee to be retained by
25 2 the license agent and any administrative fees to be forwarded
25 3 to the department, if applicable. A person authorized to
25 4 issue a license or combination package of licenses or collect
25 5 a fee pursuant to this chapter or chapter 484A shall charge
25 6 the fee specified in this chapter or chapter 484A only plus a
25 7 writing fee and administrative fee, if applicable.

25 8 Sec. 38. Section 483A.12, Code 2009, is amended to read as
25 9 follows:

25 10 483A.12 FEES.

25 11 1. The license agent shall be responsible for all fees for
25 12 the issuance of hunting, fishing, ~~and~~ fur harvester licenses,
25 13 and combination packages of licenses sold by the license
25 14 agent. All unused license blanks shall be surrendered to the
25 15 department upon the department's demand.

25 16 2. A license agent shall retain a writing fee of fifty
25 17 cents from the sale of each license or combination package of
25 18 licenses except that the writing fee for a free deer or wild
25 19 turkey license as authorized under section 483A.24, subsection
25 20 2, shall be one dollar. If a county recorder is a license

25 21 agent, the writing fees retained by the county recorder shall
25 22 be deposited in the general fund of the county.

25 23 Sec. 39. NEW SECTION. 483A.28 NONCOMMERCIAL HARVEST OF
25 24 AQUATIC SPECIES.

25 25 1. A boundary waters sport trotline license entitles the
25 26 licensee to use a maximum of four trotlines with two hundred
25 27 hooks in the aggregate and only on boundary waters. All
25 28 boundary waters sport trotlines shall be tagged with the name
25 29 and address of the licensee on a weather-resistant tag
25 30 provided by the licensee and affixed above the waterline. A
25 31 boundary waters sport trotline licensee is not permitted to
25 32 sell, barter, or trade fish or turtles taken pursuant to the
25 33 license.

25 34 2. A valid fishing license issued pursuant to this chapter
25 35 entitles the licensee to take and possess a maximum of one
26 1 hundred pounds of live turtles or fifty pounds of dressed
26 2 turtles. Any unattended fishing gear used to take turtles
26 3 pursuant to a fishing license shall be tagged with the name
26 4 and address of the licensee on a weather-resistant tag
26 5 provided by the licensee and affixed above the waterline. A
26 6 fishing licensee is not permitted to sell, barter, or trade
26 7 live or dressed turtles taken pursuant to the license.

26 8 3. A valid fishing license issued pursuant to this chapter
26 9 entitles the licensee to take and possess a maximum amount of
26 10 mussels or shells daily as authorized by rule under the
26 11 authority of sections 456A.24, 481A.38, and 481A.39. A
26 12 fishing licensee shall not sell, barter, or trade freshwater
26 13 mussels or shells taken pursuant to the fishing license.

26 14 Sec. 40. Section 805.8B, subsection 3, paragraphs c, d,
26 15 and n, Code 2009, are amended to read as follows:

26 16 c. For violations of sections 481A.6, 481A.21, 481A.22,
26 17 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,
26 18 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections
26 19 ~~482.7, 483A.7, 483A.8, 483A.23, and 483A.24, and 483A.28~~, the
26 20 scheduled fine is twenty-five dollars.

26 21 d. For violations of sections 481A.7, 481A.24, 481A.47,
26 22 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91,
26 23 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2,
26 24 ~~482.5, 482.7~~, sections 482.8, ~~482.10~~, and 483A.37, the
26 25 scheduled fine is fifty dollars.

26 26 n. For violations of section 482.11 ~~relating to turtles~~,
26 27 ~~the scheduled fine is one hundred dollars.~~

~~26 28 (1) For commercial turtle violations, the scheduled fine
26 29 is one hundred dollars.~~

~~26 30 (2) For sport turtle violations, the scheduled fine is
26 31 fifty dollars.~~

26 32 Sec. 41. Section 805.8B, subsection 3, paragraph o, Code
26 33 2009, is amended by striking the paragraph.

26 34 Sec. 42. Section 805.8B, subsection 3, paragraph p,
26 35 subparagraph (5), Code 2009, is amended to read as follows:

27 1 (5) For a license or permit costing more than fifty
27 2 dollars ~~but less than one hundred dollars~~, the scheduled fine
27 3 is one hundred dollars.

27 4 (6) ~~For a license or permit costing one hundred dollars or
27 5 more, the scheduled fine is two times the cost of the original
27 6 license or permit.~~

27 7 Sec. 43. Sections 482.12 and 483A.25, Code 2009, are
27 8 repealed.

27 9 EXPLANATION

27 10 This bill relates to various conservation and recreation
27 11 activities under the purview of the department of natural
27 12 resources, modifies fees, and makes penalties applicable.
27 13 SNOWMOBILES. Code section 321G.2(1) is amended to allow
27 14 the natural resource commission to adopt rules for the
27 15 establishment of a program of grants, subgrants, and contracts
27 16 for the development, maintenance, and operation of designated
27 17 snowmobile trails and grooming equipment by political
27 18 subdivisions and incorporated private organizations; of a
27 19 certified education course for the operation of snowmobile
27 20 grooming equipment; of a certified education course for the
27 21 safe use and operation of snowmobiles; and for certification
27 22 of volunteer snowmobile education instructors.

27 23 Code section 321G.11 is amended to require that exhaust on
27 24 internal combustion engines of snowmobiles must be muffled in
27 25 accordance with rules adopted by the natural resource
27 26 commission.

27 27 Code section 321G.21(9) is amended to allow the commission
27 28 to adopt rules providing for the suspension or revocation of a
27 29 snowmobile dealer's special registration certificate issued
27 30 pursuant to this section.

27 31 Code section 321G.24(3) is amended to coordinate an

27 32 internal reference with the changes in Code section 321G.2(1),
27 33 to allow a person who completes a course of safety instruction
27 34 to receive a safety certificate, and to delete a provision
27 35 that allowed the commission to waive completion of the safety
28 1 course if a person passed a written test instead.
28 2 ALL-TERRAIN VEHICLES. Code section 321I.1(1)(c) is amended
28 3 by removing a provision requiring off-road utility vehicles to
28 4 be considered all-terrain vehicles for the purposes of
28 5 registration.
28 6 Code section 321I.1(16) is amended to provide that an
28 7 off-road utility vehicle means a vehicle with not less than
28 8 four and not more than eight tires, a bucket or bench seat,
28 9 and a steering wheel or control levers. The amendment also
28 10 allows an owner of an off-road utility vehicle to register and
28 11 title an off-road utility vehicle in order to legally operate
28 12 the vehicle on public ice, or on a designated riding area or
28 13 riding trail but be exempt from certain dealer registration
28 14 and titling requirements and safety instruction and
28 15 certification program requirements. An operator of a
28 16 registered or titled off-road utility vehicle shall not
28 17 operate the vehicle on public ice or designated riding areas
28 18 or trails unless the department has posted signage allowing
28 19 such operation.
28 20 Code section 321I.2(1) is amended to allow the commission
28 21 to adopt rules for the establishment of a program of grants,
28 22 subgrants, and contracts for the development, maintenance, and
28 23 operation of all-terrain vehicle riding areas and trails by
28 24 political subdivisions and incorporated private organizations;
28 25 of a certified education course for the safe use and operation
28 26 of all-terrain vehicles; and for certification of volunteer
28 27 all-terrain vehicle education instructors.
28 28 Code section 321I.22(9) is amended to allow the adoption of
28 29 rules by the commission providing for the suspension or
28 30 revocation of an all-terrain vehicle dealer's special
28 31 registration certificate.
28 32 Code section 321I.26(3) is amended to coordinate an
28 33 internal reference with the changes made in Code section
28 34 321I.2(1), to allow a person to obtain a safety certificate by
28 35 passing an examination including either a written test or the
29 1 demonstration of adequate riding skills, and to delete a
29 2 provision that allowed the commission to waive completion of
29 3 the course of instruction upon passage of a written test
29 4 instead.
29 5 WILDLIFE CONSERVATION. Code section 481A.122 is amended to
29 6 exempt a person who is hunting with a raptor from certain
29 7 requirements to wear blaze orange apparel.
29 8 Code section 481A.130 is amended to add a civil penalty of
29 9 \$200 for the unlawful taking of a bobcat and to add a schedule
29 10 of civil penalties for the unlawful taking of fish, dependent
29 11 on the species of fish taken. The Code section is also made
29 12 inapplicable to a person who is liable to pay restitution
29 13 pursuant to Code section 481A.151 for injury to a wild animal
29 14 caused by polluting a water of this state.
29 15 COMMERCIAL FISHING. Code section 482.1 is amended to
29 16 provide that a licensee under the Code chapter shall not
29 17 continue commercial fishing while a license issued by the
29 18 commission is under revocation or suspension, to allow
29 19 regulation of commercial mussel bait fishing, and to allow
29 20 employees of the department of natural resources to examine
29 21 gear, catches, and sale and purchase records of commercial
29 22 licensees.
29 23 Code section 482.2 is amended to add definitions of new
29 24 licenses for commercial fish buyers, commercial fish helpers,
29 25 commercial roe buyers, commercial roe harvesters, commercial
29 26 turtle buyers, commercial turtle helpers, and to define roe
29 27 and roe species. References to commercial mussel fishing are
29 28 deleted. References to water sport trotline licenses are
29 29 deleted and moved to Code chapter 483A. Code section
29 30 452A.17(1)(a)(7) is amended to make the language consistent
29 31 with the definitional changes.
29 32 Code section 482.4, concerning commercial licenses and gear
29 33 tags, is amended to describe and set fees for the new licenses
29 34 available. Annual license fees for some existing licenses are
29 35 increased, and fees are added for the new licenses available.
30 1 Code section 482.5, concerning commercial gear, is amended
30 2 to include the harvest of commercial turtles with such gear.
30 3 Code section 482.7, concerning gear attendance, is amended
30 4 to apply to commercial turtle fishing and to require the
30 5 presence of a commercial fisher or commercial turtle fisher
30 6 when commercial gear is operated, including direct supervision
30 7 of a commercial fish helper or commercial turtle helper who

30 8 operates commercial gear. "Direct supervision" is defined to
30 9 require being in the same boat, within hand=signal distance,
30 10 or within vocal communication distance, without electronic or
30 11 amplification devices of the person being supervised. The
30 12 constant attendance requirement may be modified by the
30 13 commission upon a request specifying why an extension of gear
30 14 attendance intervals is needed.

30 15 Code sections 482.8, concerning bait, and 482.9, concerning
30 16 unlawful methods, are amended to coordinate with the new
30 17 license designations.

30 18 Code section 482.10, concerning commercial fish, is amended
30 19 to describe the privileges associated with commercial fisher
30 20 and fish helper licenses, and commercial roe harvester and roe
30 21 buyer licenses. The license requirements do not apply to
30 22 individuals who buy commercial fish or fish parts or roe or
30 23 roe species for personal consumption or to restaurants, liquor
30 24 control licensees, or public benefit corporations that buy
30 25 commercial fish or fish parts, or roe or roe species for
30 26 retail sale and human consumption on their premises. In
30 27 addition, a person under 16 years of age is not required to
30 28 have a commercial fish helper license to assist a commercial
30 29 fisher.

30 30 Code section 482.11, concerning turtles, is amended to
30 31 describe the privileges associated with the taking of turtles,
30 32 particularly by commercial turtle fisher and turtle helper
30 33 licensees. The commercial turtle license requirements do not
30 34 apply to individuals who buy commercial turtles, turtle eggs,
30 35 or turtle parts from a commercial fisher or commercial turtle
31 1 fisher for personal consumption; or to restaurants, liquor
31 2 control licensees, or public benefit corporations that buy
31 3 commercial turtles, turtle eggs, or turtle parts for retail
31 4 and human consumption on their premises. In addition, a
31 5 commercial turtle helper license is not required for a person
31 6 under 16 years of age to assist a commercial turtle fisher.

31 7 Code section 482.14 is amended to describe report,
31 8 recordkeeping, and inspection requirements pertaining to
31 9 commercial fishers, commercial turtle fishers, commercial fish
31 10 buyers, commercial turtle buyers, commercial roe harvesters,
31 11 and commercial roe buyers.

31 12 FISHING AND HUNTING LICENSES. Code section 483A.1 is
31 13 amended to add the licenses for resident boundary waters sport
31 14 trotline fishing and nonresident boundary waters sport
31 15 trotline fishing.

31 16 Code section 483A.1A is amended to add a definition for
31 17 "boundary waters", "nonresident", and "principal and primary
31 18 residence or domicile".

31 19 Code section 483A.1A is also amended to change the
31 20 definition of "resident" to require a person to meet any of
31 21 the specified criteria during each year in which the person
31 22 claims status as a resident. One specified criterion now
31 23 requires a person to physically reside in the state as the
31 24 person's principal and primary residence or domicile for a
31 25 period of not less than 90 consecutive days immediately before
31 26 applying for a resident hunting or fishing privilege. A
31 27 full-time student at an out-of-state school who is under age
31 28 25 may also qualify as a resident if the student has at least
31 29 one parent or legal guardian who maintains a principal and
31 30 primary residence in the state. Code section 483A.2 is
31 31 amended to coordinate with these changes.

31 32 Code section 483A.7(3) is amended to require the natural
31 33 resource commission to assign a preference point each year to
31 34 a nonresident whose application for a wild turkey hunting
31 35 license is denied due to limitations on the number of licenses
32 1 available and to authorize the commission to sell additional
32 2 preference points for \$50 each.

32 3 Code section 483A.8 is amended to require the commission to
32 4 allocate all nonresident deer hunting licenses issued among
32 5 the zones using a county-by-county system. The commission is
32 6 also required to assign a preference point each year to a
32 7 nonresident whose application for an antlered or any sex deer
32 8 hunting license is denied due to limitations on the number of
32 9 licenses available and to authorize the commission to sell
32 10 additional preference points for \$50 each.

32 11 Code section 483A.8A is amended to expand the deer harvest
32 12 reporting system to include reporting on wild turkeys
32 13 harvested. Code section 805.8B(3) is amended to make a
32 14 violation of this section punishable by a scheduled fine of
32 15 \$25.

32 16 Code section 483A.10 is amended to allow the sale and
32 17 issuance of combination packages of licenses pursuant to Code
32 18 chapter 483A. Code section 483A.12 is amended to allow for

32 19 the collection of fees by license agents in connection with
32 20 such sales.

32 21 New Code section 483A.28 describes the noncommercial
32 22 harvest of aquatic species. The new boundary waters sport
32 23 trotline license allows the use of trotlines only on boundary
32 24 waters. A valid fishing license entitles the licensee to take
32 25 specified amounts of live and dressed turtles and mussels, as
32 26 set by rule, but not to sell, barter, or trade them. Code
32 27 section 805.8B(3) is amended to provide that a violation of
32 28 this new provision, other than a license violation, is
32 29 punishable by a scheduled fine of \$25.

32 30 Code section 805.8B(3)(n) is amended to strike a provision
32 31 imposing a penalty for sport turtle violations to coordinate
32 32 with changes made to Code section 482.11(3) and (4).

32 33 Code section 805.8B(3)(p)(5) is amended to provide that for
32 34 violations of Code section 483A.1 relating to licenses and
32 35 permits, the scheduled fine is \$100 for a license or permit
33 1 costing more than \$50 but less than \$100, and the fine is two
33 2 times the cost of the license or permit for licenses or
33 3 permits that cost \$100 or more.

33 4 Code section 482.12, concerning commercial freshwater
33 5 mussel harvesting, and Code section 483A.25, concerning the
33 6 pheasant and quail restoration program and related
33 7 appropriations, are repealed.

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